

by the ordinary individual under customary conditions of purchase and use since the coined term "Acket" had been used for the ingredient salicylamide, as explained in a footnote, and the ingredients, calcium succinate, caffeine, and vitamin B<sub>1</sub>, which were not active for the purposes for which the article was offered, appeared in such fashion as not to distinguish them from the active ingredients.

**DISPOSITION:** The Kordol Corp. of America appeared as claimant and filed an answer denying the allegations of the libel. On September 8, 1952, a set of written interrogatories was served upon the claimant by the Government. Thereafter, a motion was filed by the Government for an order striking the claimant's pleadings and for the entry of a default decree of condemnation upon the ground that the claimant failed to respond to the interrogatories within the time provided by the Federal Rules of Civil Procedure.

On April 10, 1953, the court granted the Government's motion, and in accordance therewith, it entered a decree providing for the condemnation and destruction of the product.

**4034. Misbranding of Kon-trol-R. U. S. v. 30 Dozen Bottles, etc. (F. D. C. No. 34449. Sample No. 56927-L.)**

**LIBEL FILED:** December 24, 1952, Southern District of Ohio.

**ALLEGED SHIPMENT:** On or about May 28, 1952, by the Kon-trol-R Co. of America, from Indianapolis, Ind.

**PRODUCT:** 24 dozen ½-pint bottles and 6 dozen 1-pint bottles of *Kon-trol-R* at Cincinnati, Ohio, together with a number of circulars entitled "Kon-trol-R For Your Figure." Examination showed that the product was mint-flavored cider vinegar.

**LABEL, IN PART:** "\* \* \* Kon-trol-R For Your Figure \* \* \* A Special Blend of Pure Apple Juice Processed for Optimum Acidity, Mint Flavored."

**NATURE OF CHARGE:** Misbranding, Section 502 (a), the statements on the label of the article and in the above-mentioned circulars, namely, "Kon-trol-R For Your Figure A Pleasant Aid to The Easiest System for Weight Control \* \* \* A Simple Weight Controlling System," were false and misleading. The statements represented and suggested that the article was effective to bring about a loss of body weight, whereas it was not effective for such purpose.

The article was alleged also to be misbranded under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

**DISPOSITION:** February 4, 1953. Default decree of condemnation and destruction.

**4035. Misbranding of Aspergum. U. S. v. 48 Cartons \* \* \*. (F. D. C. No. 33562. Sample No. 37284-L.)**

**LIBEL FILED:** August 29, 1952, Southern District of New York.

**ALLEGED SHIPMENT:** On or about July 15, 1952, by White Laboratories, Inc., from Kenilworth, N. J.

**PRODUCT:** 48 cartons, each containing 1 dozen boxes, of *Aspergum* at New York, N. Y.

**LABEL, IN PART:** (Display carton) "Fast Relief for 'Sore Throat' Aspergum Aspirin In pleasantly-flavored Chewing Gum"; (box) "16 Tablets Aspergum Active Ingredient: Aspirin."

**NATURE OF CHARGE:** Misbranding, Section 502 (a), the statement "Fast Relief For 'Sore Throat'" borne on the display carton was false and misleading since it represented and suggested that the article was an adequate and effective treatment for sore throat, whereas it was not an adequate and effective treatment for that condition.

**DISPOSITION:** January 12, 1953. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution for its use and not for sale.

**4036. Misbranding of honey. U. S. v. 11 Cases, etc. (F. D. C. No. 33953. Sample Nos. 33824-L to 33827-L, incl.)**

**LIBEL FILED:** October 24, 1952, Western District of Michigan.

**ALLEGED SHIPMENT:** On or about April 29, July 3, and September 11, 1952, by the Sun Fed Honey Co., from Sarasota, Fla.

**PRODUCT:** 11 cases, each containing 24 1-pound jars, and 3 cases, each containing 6 5-pound jars, of *honey* at Grand Rapids, Mich., together with a number of leaflets entitled "Honey Facts."

**LABEL, IN PART:** (Jar) "Sun Fed \* \* \* Honey \* \* \* Packed By Shangri-La Grove, Bee Ridge, Florida."

**NATURE OF CHARGE:** Misbranding, Section 502 (a), certain statements in the labeling of the article, namely, in the above-mentioned leaflet which accompanied the article, were false and misleading. The statements represented and suggested that honey supplies minerals, by means of which it acts as a "buffer between the acids of the body"; that it is health-giving, exerts a restorative action in elderly people, constitutes a protective food, and helps prevent acidosis; that, with milk, it effects longevity, enables weak and sickly children to recuperate and gain health, and builds up anemic and undernourished children, enabling them to attain higher mental ratings; that it is effective in heart affections, diabetes, insomnia, jaundice, chronic dysentery, swellings caused by heart and kidney ailments, and other diseases, osteomyelitis of large bones, gastric and intestinal ulcers, and bed wetting; that it will raise the calcium level and lower the phosphorus level of the blood; that it will sustain life and health indefinitely; that it prevents acidosis, rickets, scurvy, and other "decomposition" diseases; that it will kill germs of tuberculosis; that it is a healer for the membrane of the mouth, throat, and stomach; and that it is an antiseptic. The article did not supply a significant portion of minerals; it was not effective in the treatment of the diseases and conditions stated and implied; and it would not fulfill the promises of benefit made for it.

**DISPOSITION:** December 10, 1952. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution for its use and not for sale and that the leaflets be destroyed.

**4037. Misbranding of Silver-King Airborne Bacteria Control Unit. U. S. v. 2 Cartons, etc. (F. D. C. No. 33584. Sample No. 53143-L.)**

**LIBEL FILED:** On or about September 17, 1952, Western District of Missouri.